

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
	)	Group Art Unit: TBA
Rosa CUBERES ALTISEN <i>et al.</i>	)	
	)	Examiner: TBA
Serial No.: 10/589,744	)	
	)	Atty. Docket: 006444.00052
Filed: August 17, 2006	)	(ET0009)

For: SUBSTITUTED PYRAZOLINE COMPOUNDS, THEIR PREPARATION AND USE AS  
MEDICAMENTS

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

U.S. Patent and Trademark Office  
401 Dulany Street  
Alexandria, VA 22314

Dear Sir:

In response to the Notification of Missing Requirements dated April 30, 2007, Applicants request a one-month extension of time to respond (*i.e.*, up to and including July 30, 2007). **It is respectfully submitted that the multiple dependent claim surcharge of \$360 is not required in view of the accompanying Preliminary Amendment, eliminating multiple claim dependency.**

Applicants submit herewith a Transmittal Letter authorizing the Commissioner to charge the necessary fees for excess claims, the missing requirements surcharge, and the assignment recordation. Also, a separate petition for the one-month extension of time and authorization to charge our Deposit Account for the extension fee accompanies this response.

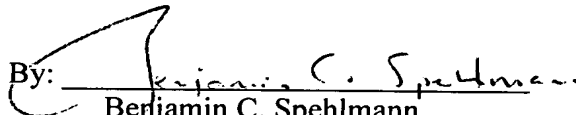
No additional fees are believed to be due. However, should any additional fees be required or an overpayment of fees made, please credit or credit our Deposit Account No. 19-0733, as needed.

In addition to the Transmittal Letter and Petition for Extension of Time under 37 CFR 1.136(a), Applicants additionally submit herewith an executed declaration of the inventors, a Preliminary Amendment, an Information Disclosure Statement, and a copy of the Notification of Missing Requirements, as well as an executed assignment and Assignment Recordation Form Cover Sheet.

It is believed that all Patent and Trademark Office requirements have now been fully met and it is respectfully requested that the above-captioned patent application be forwarded for examination.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Date: July 27, 2007

By:   
Benjamin C. Spehlmann  
Reg. No. 45,649

Customer No. 22907

Attachments:

- (1) Transmittal Letter
- (2) Petition for Extension of Time
- (3) Executed Declaration
- (4) Preliminary Amendment
- (5) Information Disclosure Statement
- (6) Copy of Notification of Missing Requirements
- (7) Executed Assignment and Assignment Recordation Form Cover Sheet

006444.00052

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/589,744

INTERNATIONAL APPLICATION NO.  
PCT/EP2005/001659

INTERNATIONAL FILING DATE  
16 February 2005

PRIORITY DATE CLAIMED  
17 February 2004

**TITLE OF INVENTION**

**SUBSTITUTED PYRAZOLINE COMPOUNDS, THEIR PREPARATION AND USE AS MEDICAMENTS**

**APPLICANT(S) FOR DO/EO/US**

**CUBERES ALTISEN, Rosa et al**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (25) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ An Application Data Sheet under 37 CFR 1.76.
18. ☐ A substitute specification.
19. ☐ A power of attorney and/or change of address letter.
20. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
21. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
22. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
23. ☐ Express Mail Label No.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <b>10/589,744</b>	INTERNATIONAL APPLICATION NO. <b>PCT/EP2005/001659</b>	ATTORNEY'S DOCKET NUMBER <b>006444.00052</b>
<p>24. Other items or information:</p> <p><b>Response to the Notification of Missing Requirements Under 35 U.S.C. 371</b>  <b>Copy of the Notification of Missing Requirements mailed on 04/30/2007</b>  <b>USPTO Form 1449 with the non US Patent documents attached</b>  <b>Petition for Extension of Time Under 37 CFR 1.136(a)</b></p>		
<p>The following fees have been submitted:</p> <p>25. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)). . . . . <b>\$300</b></p>		<p><b>CALCULATIONS    PTO USE</b></p> <p>\$            \$0.00</p>
<p>26. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))</p> <p>If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article</p> <p style="text-align: right;">\$0</p> <p>All other situations. . . . . <b>\$200</b></p>		<p>\$            \$0.00</p>
<p>27. <input type="checkbox"/> Search fee (37 CFR 1.492(b))</p> <p>If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . . \$0</p> <p>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority. . . . . <b>\$100</b></p> <p>International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB. . . . . <b>\$400</b></p> <p>All other situations. . . . . <b>\$500</b></p>		<p>\$            \$0.00</p>
<p><b>TOTAL OF 25, 26 and 27 =</b></p>		<p>\$            \$0.00</p>
<p><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</p>		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)
- 100 =	0 /50 =	0
		x \$250.00
		\$            \$0.00
<p>Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</p>		<p>\$            \$130.00</p>
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	35 - 20 =	15
Independent claims	2 - 3 =	0
		x \$200.00
		\$            \$0.00
<p>MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00</p>		<p>\$            \$0.00</p>
<p><b>TOTAL OF ABOVE CALCULATIONS =</b></p>		<p>\$            \$880.00</p>
<p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.</p>		<p>\$            \$0.00</p>
<p><b>SUBTOTAL =</b></p>		<p>\$            \$880.00</p>
<p>Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</p>		<p>\$            \$0.00</p>
<p><b>TOTAL NATIONAL FEE =</b></p>		<p>\$            \$880.00</p>
<p>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +</p>		<p>\$            \$40.00</p>
<p>LANDGRA 00000080 190733 10589744</p>		<p><b>TOTAL FEES ENCLOSED =</b></p>
		<p>\$            \$920.00</p>
		<p>Amount to be \$</p>
		<p>Amount to be \$</p>

07/30/2007  
01 FC:1617  
02 FC:1615

130.00 DA  
750.00 DA

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 19-0733 in the amount of \$ \$920.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0733. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

**ADVISORY:** If filing by EFS-Web, do NOT attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please

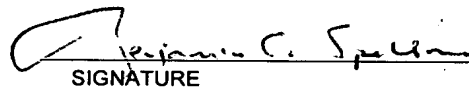
be advised that this is not recommended and by doing so your credit card information may be displayed via PAIR. To

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

**BANNER & WITCOFF, LTD.**

Customer Number: 22907



SIGNATURE

Benjamin C. Spehlmann

NAME

45,649

REGISTRATION NUMBER

February 27, 2007

DATE



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/589,744	Rosa Cuberes Altisen	006444.00052

22907  
BANNER & WITCOFF, LTD.  
1100 13th STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20005-4051

**RECEIVED**

MAY 02 2007

BANNER &amp; WITCOFF, LTD.

INTERNATIONAL APPLICATION NO.	
PCT/EP05/01659	
I.A. FILING DATE	PRIORITY DATE
02/16/2005	02/17/2004

CONFIRMATION NO. 9533

371 FORMALITIES LETTER



\*OC000000023589731\*

Date Mailed: 04/30/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/17/2006
- Copy of the International Search Report filed on 08/17/2006
- Request for Immediate Examination filed on 08/17/2006
- U.S. Basic National Fees filed on 08/17/2006
- Priority Documents filed on 08/17/2006
- Specification filed on 08/17/2006
- Claims filed on 08/17/2006
- Abstracts filed on 08/17/2006
- Drawings filed on 08/17/2006

Docketed: 5/2/07  
 Atty: DHH/BCS/TWK  
 Case Ref: 006444.00052  
 Action: Resp. Notice Elected Min. Pts.  
 Due Date: 6/30/07  
 Last Day: 11/30/07  
 by: TMH

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$1210 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$1340** for a Large Entity:

- **\$130** Surcharge.
- Total additional claim fee(s) for this application is **\$ 1210**
  - **\$850** for 17 total claims over 20.
  - **\$360** for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/589,744	PCT/EP05/01659	006444.00052